



City Council

Bob Wasserman, Mayor

Suzanne Lee Chan, Vice Mayor

Anu Natarajan

Bill Harrison

Dominic Dutra

City Staff

Fred Diaz, City Manager

Harvey E. Levine, City Attorney

Annabell Holland, Interim Assistant City
Manager/Parks & Recreation Director

Dawn G. Abrahamson, City Clerk

Robert Beyer, Interim Community Dev. Director

Harriet Commons, Finance Director

Marilyn Crane, Information Technology Svcs. Dir.

Mary Kaye Fisher, Interim Human Resources Dir.

Norm Hughes, City Engineer

Bruce Martin, Fire Chief

Jim Pierson, Transportation & Ops Director

Jeff Schwob, Planning Director

Suzanne Shenfil, Human Services Director

Craig Steckler, Chief of Police

Lori Taylor, Economic Development Director

Elisa Tierney, Redevelopment Director

City Council Agenda and Report **[Redevelopment Agency of Fremont]**

Work Session and Regular Meeting

5:30 p.m.

(Please note time change)

General Order of Business

1. Preliminary
 - Call to Order-5:30 p.m.
 - Salute to the Flag
 - Roll Call
2. Work Session Items
3. Consent Calendar
4. Ceremonial Items
5. Public Communications
6. Scheduled Items
7. Report from City Attorney
8. Other Business
9. Council Communications
10. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Agenda and Report • Fremont City Council Meeting • January 18, 2011



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See Reverse

Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL AND REDEVELOPMENT AGENCY
WORK SESSION AND REGULAR MEETING
JANUARY 18, 2011
COUNCIL CHAMBERS
3300 CAPITOL AVE., BUILDING A
5:30 P.M. (Please note time change)

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CITY COUNCIL WORK SESSION ITEM

2.1 MIDTOWN DISTRICT COMMUNITY PLAN AND DESIGN GUIDELINES

Contact Person:

| | | |
|---------|-----------------------|-----------------------|
| Name: | Wayne Morris | Jeff Schwob |
| Title: | Senior Planner | Planning Director |
| Dept.: | Community Development | Community Development |
| Phone: | 510-494-4729 | 510-494-4527 |
| E-Mail: | wmorris@fremont.gov | jschwob@fremont.gov |

Public Comment

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING ITEMS

3. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

3.1 *Motion to Waive Further Reading of Proposed Ordinances*
(This permits reading the title only in lieu of reciting the entire text.)

3.2 *Approval of Minutes – None.*

4. CEREMONIAL ITEMS – None.

5. PUBLIC COMMUNICATIONS

5.1 Oral and Written Communications

PUBLIC FINANCING AUTHORITY – The Public Financing Authority Board will convene at this time and take action on the agenda items listed on the Public Financing Authority Agenda. [See separate agenda](#) (lilac paper).

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

6. SCHEDULED ITEMS – None.

7. REPORT FROM CITY ATTORNEY

7.1 Report Out from Closed Session of Any Final Action

8. OTHER BUSINESS

8.1 CONSIDERATION OF POSSIBLE ACTION IN LIGHT OF STATE BUDGET ISSUES AND IMPACTS

Consider Possible Courses of Action, Particularly with Respect to Redevelopment Agencies, in Light of State Budget Issues and Impacts

Contact Person:

| | | |
|---------|-------------------------------|----------------------|
| Name: | Elisa Tierney | Harriet Commons |
| Title: | Redevelopment Agency Director | Director |
| Dept.: | Housing and Redevelopment | Finance |
| Phone: | 510-494-4501 | 510-284-4010 |
| E-Mail: | etierney@fremont.gov | hcommons@fremont.gov |

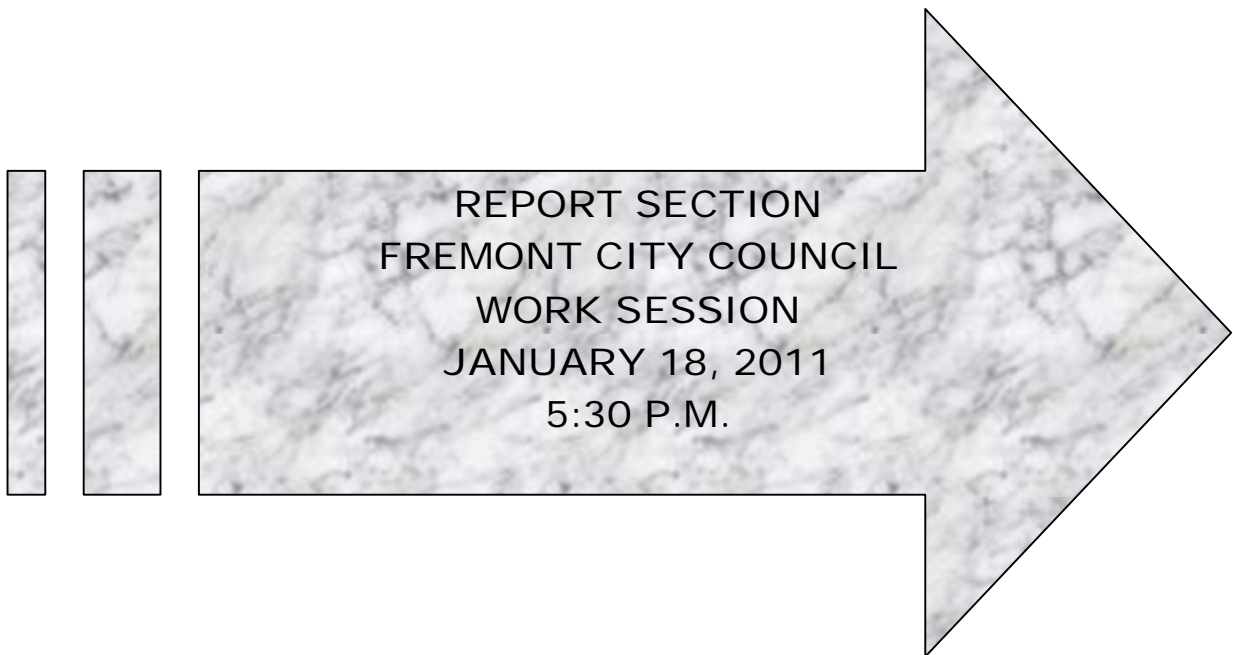
REQUESTED OUTCOME OF THE MEETING: Provide direction to staff about possible courses of action.

9. COUNCIL COMMUNICATIONS

9.1 Council Referrals – None.

9.2 Oral Reports on Meetings and Events

10. ADJOURNMENT



2.1 MIDTOWN DISTRICT COMMUNITY PLAN AND DESIGN GUIDELINES

Update on Midtown District Community Plan and Design Guidelines

Contact Person:

| | | |
|---------|-----------------------|-----------------------|
| Name: | Wayne Morris | Jeff Schwob |
| Title: | Senior Planner | Planning Director |
| Dept.: | Community Development | Community Development |
| Phone: | 510-494-4729 | 510-494-4527 |
| E-Mail: | wmorris@fremont.gov | jschwob@fremont.gov |

Executive Summary: In April, 2010 a Work Session was held with the City Council to provide an update on the work completed to date on the Midtown District Community Plan and Design Guidelines. The presentation focused on development scenarios, streetscape and street sections, private art options, retail precedents, civic spaces, and street furnishings. Since the April Work Session staff and the consulting team have continued to make progress on the plan and design guidelines. This report outlines the work that has been completed to date, seeks direction on various aspects of the project, and highlights the next steps.

BACKGROUND: In March 2009, City staff and TMG Partners, the City's development partner for the Midtown District, made a presentation to the City Council on a vision for creating a vibrant Midtown District and possible next steps. In concert with TMG Partners, City staff recommended that a development plan for streetscape improvement, building form and character, land use ranges, and design guidelines be prepared and environmentally reviewed in order to set the stage for development to move quickly once the economy recovers. At the same time, the City Council approved the team's recommendation that these planning efforts look at a larger area ("Midtown") rather than the previously defined Capitol Avenue Project area. In September 2009 the City Council authorized the City Manager to enter into an agreement with HOK Architects as the Lead Consultant for the development of the Midtown District Community Plan and Design Guidelines and perform the associated environmental analysis.

Most recently, at the April 20, 2010 City Council Work Session, HOK made a presentation to the City Council on work that had been completed to date. The HOK presentation focused on development scenarios, streetscape and street sections, private art options, retail precedents, civic spaces, and street furnishings street.

The boundaries of this new Midtown District (see Exhibit A) are co-terminus with the "Focus Area" outlined in the Central Business District Concept Plan adopted in 2001 and the City Center designation in the proposed General Plan update. The vision for the Focus Area in the Central Business District Concept Plan is to create a hub of economic activity by having the area "contain a mix of uses including retail, offices, entertainment, open space, and cultural arts organized around a main street. This main street, to be constructed on Capitol Avenue and an extension of it to Fremont Boulevard, will be an attractive place to shop, stroll, and dine, and will become the true center to the focus area." The Concept Plan further describes the area as centered around new Fremont Administrative Offices and a Public Plaza as well as a new Cultural Arts Center.

The Concept Plan implements several policies of the General Plan, in particular Policy LU 2.7, which states, “Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain an active pedestrian environment, buildings oriented toward streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the ground level.” The Central Business District Concept Plan includes the following set of goal statements that will be addressed in more detail in the Midtown District Community Plan and Design Guidelines:

- To create a recognizable and memorable Downtown that people can take pride in and where people want to go.
- To create a Downtown comprised of a mix of land uses including mixed-use buildings, housing, offices, retail, dining, government/civic uses, entertainment, open space/parks, and cultural arts.
- To improve streetscape design.
- To improve amenities for pedestrians, particularly in the Downtown focus area, through design approaches such as street narrowing and locating buildings at the street edge.
- To improve connections to the BART station.
- To encourage a network of public and private, strategically placed parking facilities.
- To encourage the use of energy efficiency in building technology.
- To support economic vitality, particularly for small businesses.
- To reflect history, as appropriate, and Fremont’s cultural diversity in the design and development of the Downtown

The Midtown Community Plan and Design and Design Guidelines are an important step in implementing the Council’s vision as described in the draft general Plan 2030, that “Fremont will serve as a national model of how an auto-oriented suburb can evolve into a sustainable, strategically urban, modern city.”

DISCUSSION/ANALYSIS: In September 2009 HOK was brought on board to head a multidisciplinary consultant team to focus attention on the development of the Midtown District Community Plan and Design Guidelines. This consultant team includes BKF Engineering; the Guzzardo Partnership (landscape architect); Chandra Cerrito (art); and Ross/Luthin Creative (signage). Additionally, TMG Partners and City staff have assisted and participated in the development of proposed plan elements.

The current economic climate makes it quite difficult to obtain credit or capital to develop a specific project. Therefore, the City has begun the planning process in the area to allow development to move forward quickly once the economy recovers. In particular, the Community Plan and Design Guidelines and associated environmental analysis will accomplish two critical items:

1. Provide certainty to the development community as to what and how much can be built (i.e., street design, building design, and building “envelope” through form-based zoning); and
2. Eliminate time and expense in the development process by completing a program level Environmental Impact Report, which could save developers up to \$250,000 each in costs and a year in the entitlement schedule. Having design guidelines already established and adopted by the Council will help clarify, implement, and expedite the vision and entitlement process for future development.

Community Plan and Design Guidelines Update: The past several months have been spent providing updates to City Boards and Commissions as well as holding community and property owners meetings to gain input on the draft components. Additionally, the consultant team and staff continue to develop and refine various components to the Community Plan including:

- Development Density
- Street Character & Design
- Street Furniture
- Art Program
- Parking Standards
- Land Use
- Development Control Zones
- Site Design Guidelines
- Architectural Design Guidelines
- Form-based zoning
- Priority Projects

The above items will be outlined in more detail at the City Council Work Session.

The final document will be organized around the following main chapter subjects:

- Project Overview
- District Framework
- Public Streetscape
- Private Development Projects
- Implementation
- Appendix

Please refer to page 7 of the draft Midtown Community Plan & Design Guidelines (Exhibit B) to see each of the sub-categories that are within each chapter.

The Midtown District Community Plan and Design Guidelines will be a mixed-use, urban design plan that establishes the desired physical vision for the Midtown District through a clear and comprehensive set of policies, requirements, and incentives. The Plan will establish a coherent and consistent regulatory framework incorporating physical standards and design guidelines. It will establish land use development envelopes that can respond to changing market conditions; policies for economic development; design concepts for “green” and pedestrian-oriented streetscapes; private and public shared parking plans; short and long term transit plans; pedestrian amenities; open space and civic uses; and public art.

NEXT STEPS:

- Fiscal Impact Analysis - Staff is in the process of hiring a consultant to complete a Fiscal Impact Analysis and financing strategy for the proposed implementation of the Midtown Community Plan and Design Guidelines. This analysis will attempt to meld the planning and economic development goals of transforming the Midtown District into a vibrant, dense, mixed-use, and

pedestrian –scale, successful retail environment with the fiscal reality of the costs associated to implement this vision. The analysis will provide information/data on the potential revenues to be gained by implementing the vision and the costs of enhancing the necessary public infrastructure such as roads, streetscapes, public parking garage(s), and consolidation of City administrative offices. Furthermore the analysis will also offer recommendations on how to mitigate, to some extent, development premiums cost to private developers by developing within the District. Staff anticipates this work will be completed in late spring 2011, after which staff will report back to City Council with the findings.

- LEED-Neighborhood Development – As part of the Community Plan and Design Guidelines the companion LEED ND certification process will commence in early February 2011. This certification will allow the City, development team and property owners to promote the Midtown District as a green and sustainable community while taking advantages of long term benefits provided by improved sustainability created by the LEED ND framework. The City of Fremont's Midtown Project is expected to be one of the first projects certified under the new LEED ND guidelines.
- Public Outreach – Over the next few months staff will present the draft Midtown Community Plan & Design Guidelines to various Commissions and Boards to receive input and feedback. Staff will also invite the landowners within and adjacent to the Midtown District to a public meeting to obtain comments.
- Midtown Community Plan & Design Guidelines and EIR Document – Continue to work on both of these reports with final documents anticipated for City Council review in late summer to early fall of 2011.

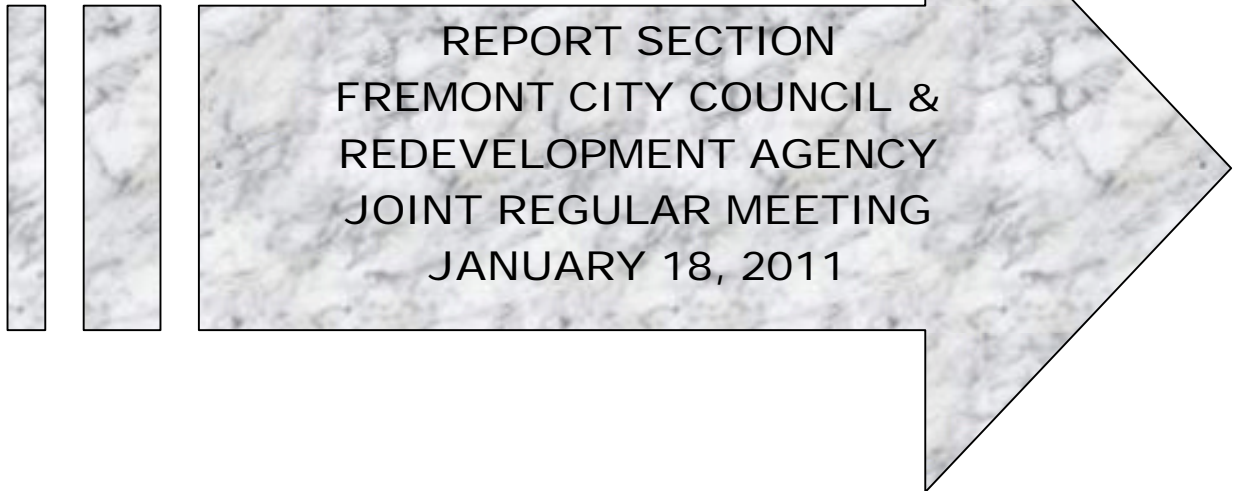
FISCAL IMPACT: None

ENVIRONMENTAL REVIEW: While the Community Plan and Design Guidelines are being drafted, the Environmental Impact Report (EIR) is also being completed. The EIR commenced in July 2010 and will be completed also with the Community Plan & Design Guidelines by summer 2011.

ENCLOSURES:

- Exhibit A - [Map of Midtown District](#)
- Exhibit B - Draft Midtown Community Plan & Design Guidelines
 - [Forward & Chapter 1](#)
 - [Chapter 2](#)
 - [Chapter 3](#)
 - [Chapter 4](#)
 - [Chapter 5](#)
 - [Chapter 6](#)

RECOMMENDATION: Provide comments and direction to staff and the consultant team on the draft Midtown Community Plan & Design Guidelines.



REPORT SECTION
FREMONT CITY COUNCIL &
REDEVELOPMENT AGENCY
JOINT REGULAR MEETING
JANUARY 18, 2011

7.1 Report Out from Closed Session of Any Final Action

8.1 CONSIDERATION OF POSSIBLE ACTION IN LIGHT OF STATE BUDGET ISSUES AND IMPACTS

Consider Possible Courses of Action, Particularly with Respect to Redevelopment Agencies, in Light of State Budget Issues and Impacts

Contact Person:

| | | |
|---------|-------------------------------|----------------------|
| Name: | Elisa Tierney | Harriet Commons |
| Title: | Redevelopment Agency Director | Director |
| Dept.: | Housing and Redevelopment | Finance |
| Phone: | 510-494-4501 | 510-284-4010 |
| E-Mail: | etierney@fremont.gov | hcommons@fremont.gov |

PURPOSE OF THE WORK SESSION: The purpose of this work session is to present information about issues and related impacts identified in the Governor's budget proposal issued on January 10, 2011, with a particular emphasis on redevelopment-related issues. Several alternative courses of action are available to the City Council and Redevelopment Agency Board, and feedback is requested with respect to which courses of action, if any, to pursue.

POLICY ISSUES/ANALYSIS: A significant element of the Governor's budget proposal is the elimination ("disestablishment") of redevelopment agencies. Although this disestablishment is proposed to be effective on July 1, 2011, staff believes the Governor will seek urgency legislation that would significantly limit the Agency's ability to move forward with funding for major projects in the immediate future. The policy issues for Council/Board consideration include whether to take actions to continue to fund these projects or to defer action until such time as more information is available or the Governor and Legislature have acted. Further information about these issues will be presented by staff at the meeting.

REQUESTED OUTCOME OF THE MEETING: Provide direction to staff about possible courses of action.

ENCLOSURES:

- [Excerpts from the "2011-12 Governor's Budget Summary" \(page 28, pages 167-172\)](#)
- [Excerpts from "The 2011-12 Budget: Overview of the Governor's Budget," prepared by the Legislative Analyst's Office \(pages 20-22\)](#)

9.1 Council Referrals – None.

9.2 Oral Reports on Meetings and Events

ACRONYMS

| | | | |
|----------------|--|--------------|---|
| ABAG..... | Association of Bay Area Governments | FUSD | Fremont Unified School District |
| ACCMA..... | Alameda County Congestion Management Agency | GIS | Geographic Information System |
| ACE | Altamont Commuter Express | GPA..... | General Plan Amendment |
| ACFCD | Alameda County Flood Control District | HARB | Historical Architectural Review Board |
| ACTA | Alameda County Transportation Authority | HBA | Home Builders Association |
| ACTIA | Alameda County Transportation Improvement Authority | HRC | Human Relations Commission |
| ACWD | Alameda County Water District | ICMA | International City/County Management Association |
| BAAQMD | Bay Area Air Quality Management District | JPA | Joint Powers Authority |
| BART | Bay Area Rapid Transit District | LLMD | Lighting and Landscaping Maintenance District |
| BCDC | Bay Conservation & Development Commission | LOCC | League of California Cities |
| BMPs | Best Management Practices | LOS | Level of Service |
| BMR | Below Market Rate | MOU | Memorandum of Understanding |
| CALPERS..... | California Public Employees' Retirement System | MTC..... | Metropolitan Transportation Commission |
| CBD | Central Business District | NEPA | National Environmental Policy Act |
| CDD..... | Community Development Department | NLC..... | National League of Cities |
| CC & R's | Covenants, Conditions & Restrictions | NPDES..... | National Pollutant Discharge Elimination System |
| CDBG | Community Development Block Grant | NPO..... | Neighborhood Preservation Ordinance |
| CEQA | California Environmental Quality Act | PC..... | Planning Commission |
| CERT | Community Emergency Response Team | PD | Planned District |
| CIP | Capital Improvement Program | PUC..... | Public Utilities Commission |
| CMA | Congestion Management Agency | PVAW | Private Vehicle Accessway |
| CNG..... | Compressed Natural Gas | PWC..... | Public Works Contract |
| COF | City of Fremont | RDA | Redevelopment Agency |
| COPPS | Community Oriented Policing and Public Safety | RFP | Request for Proposals |
| CSAC..... | California State Association of Counties | RFQ..... | Request for Qualifications |
| CTC | California Transportation Commission | RHNA | Regional Housing Needs Allocation |
| dB | Decibel | ROP..... | Regional Occupational Program |
| DEIR..... | Draft Environmental Impact Report | RRIDRO..... | Residential Rent Increase Dispute Resolution Ordinance |
| DO | Development Organization | RWQCB | Regional Water Quality Control Board |
| DU/AC..... | Dwelling Units per Acre | SACNET | Southern Alameda County Narcotics Enforcement Task Force |
| EBRPD | East Bay Regional Park District | SPAA | Site Plan and Architectural Approval |
| EDAC | Economic Development Advisory Commission (City) | STIP | State Transportation Improvement Program |
| EIR..... | Environmental Impact Report (CEQA) | TCRDF..... | Tri-Cities Recycling and Disposal Facility |
| EIS | Environmental Impact Statement (NEPA) | T&O | Transportation and Operations Department |
| ERAF | Education Revenue Augmentation Fund | TOD | Transit Oriented Development |
| EVAW | Emergency Vehicle Accessway | TS/MRF | Transfer Station/Materials Recovery Facility |
| FAR | Floor Area Ratio | UBC | Uniform Building Code |
| FEMA..... | Federal Emergency Management Agency | USD..... | Union Sanitary District |
| FFD..... | Fremont Fire Department | VTa | Santa Clara Valley Transportation Authority |
| FMC..... | Fremont Municipal Code | WMA | Waste Management Authority |
| FPD..... | Fremont Police Department | ZTA..... | Zoning Text Amendment |
| FRC..... | Family Resource Center | | |

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

| <i>Date</i> | <i>Time</i> | <i>Meeting Type</i> | <i>Location</i> | <i>Cable Channel 27</i> |
|---|--------------------|----------------------------|------------------------|------------------------------------|
| January 25, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| February 1, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| February 8, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| February 15, 2011 | TBD | Work Session | Council Chambers | Live |
| February 22, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| March 1, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| March 8, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| March 15, 2011 | TBD | Work Session | Council Chambers | Live |
| March 22, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| April 5, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| April 12, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| April 19, 2011 | TBD | Work Session | Council Chambers | Live |
| April 26, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| May 3, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| May 10, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| May 17, 2011 | TBD | Work Session | Council Chambers | Live |
| May 24, 2011 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| May 31, 2011 (5 th Tuesday) | | No Council Meeting | | |